

REMARKS

Claims 1-8 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Publication No. 2001/0030987 A1 filed by Bart Joseph Gerard Pauwels (“Pauwels”). Claims 1-28 were rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,497,371 issued to John G. Ellis et al., (“Ellis”). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,463,067 issued to Andrew T. Hebb et al., (“Hebb”). In light of the foregoing amendments and remarks, Applicants respectfully request the Examiner’s reconsideration and reexamination of all pending claims.

Each of the independent claims have been amended to recite limitations that are not taught or fairly suggested in the sections of Pauwels and Ellis cited in the Office Action. For example, independent Claim 1 has been amended to recite “interrupting said transmission of said second data stream to resume transmission of said first data stream to the switching fabric.” Neither Pauwels nor Ellis teach these limitations in the sections cited by the Office Action. Further, Ellis does not teach interrupting the transmission of second “high priority” data stream to resume transmission of a first “low priority” data stream to the switching fabric. Rather, Ellis makes clear that the transmission of high priority data stream is not interrupted. *See, e.g.*, column 5, lines 35-37 which state:

A low priority packet may be interrupted by one or more high priority packets; a high priority packet may not be interrupted.

Accordingly, Applicants submit that independent Claim 1 is patentably distinguishable over the cited section of Pauwels and Ellis. The remaining independent claims have been amended to recite limitations similar to the limitations added to independent Claim 1.

Insofar as independent Claim 1 has been shown to be patentably distinguishable over the cited sections of Pauwels and Ellis, it follows that the remaining independent claims are likewise patentably distinguishable. Further, the remaining claims depend indirectly or directly from independent Claims 1, 13, or 23, and are likewise patentably distinguishable for this reason.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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